

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

HOLLI TELFORD personally and as assignee of the claims of Brenda Burton,

Plaintiff,

vs.

RON A. BRADEEN, BRADEEN REAL ESTATE, JEFF STORM, FALL RIVER COUNTY SHERIFF ROBERT EVANS and SA DANE RASMUSSEN, in their official capacities,

Defendants.

CIV. 17-5042-JLV

ORDER

This case centers on an online sale of land in South Dakota to plaintiff.

See Docket 51 at pp. 3-6. The court dismissed plaintiff's claims against all defendants. (Dockets 51 & 120). Plaintiff appealed the court's judgment to the Court of Appeals for the Eighth Circuit. (Docket 134). Plaintiff now seeks leave to proceed *in forma pauperis* on appeal. (Docket 136).

The court already granted plaintiff leave to proceed *in forma pauperis*. (Docket 8). “A party who was permitted to proceed *in forma pauperis* in the district-court action . . . may proceed on appeal *in forma pauperis* without further authorization[.]” Fed. R. App. P. 24(a)(3). The court may deny plaintiff *in forma pauperis* status if it finds her appeal is not taken in good faith, otherwise finds she is not entitled to proceed without payment of costs, or a statute bars her request. Fed. R. App. P. 24(a)(3)(A)-(B). The court does not find any of these conditions exist. The court’s prior order granting plaintiff *in forma pauperis*

status extends to her appeal. Plaintiff may continue to “prosecute this action to its conclusion without prepayment of costs or fees.” (Docket 8 at pp. 2-3).

Accordingly, it is

ORDERED that plaintiff’s motion to proceed *in forma pauperis* on appeal (Docket 136) is denied as moot.

IT IS FURTHER ORDERED that any recovery in this action shall be subject to the repayment of costs and fees, including any fees incurred in the appellate action in addition to the \$400 filing fee and any services of process fees from the district court action.

Dated January 14, 2019.

BY THE COURT:

/s/ *Jeffrey L. Viken*

JEFFREY L. VIKEN
CHIEF JUDGE